

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	
vs)	Case No. 19 CR 277
)	
CONCEPCION MALINEK,)	Judge Edmund Chang
)	
Defendant.)	

**DEFENDANT’S MOTION FOR EMERGENCY FURLOUGH
OR ESCORTED TRIP TO ATTEND FUNERAL SERVICE**

NOW COMES the defendant, **CONCEPCION MALINEK**, by and through her attorney, **ROBERT L. RASCIA**, and moves this Honorable Court, pursuant to 28 CFR §551.109(a)&(b), to grant her an emergency furlough to attend her mother’s funeral.

In support thereof the defendant states as follows:

I. DEFENDANT’S PENDING MOTION TO REVOKE DETENTION

The Defendant filed an emergency motion to revoke her detention order on May 14, 2020. This motion remains pending. A briefing schedule has been set, with an upcoming status hearing scheduled for May 22, 2020. As stated in the pending motion, the defendant’s mother, Manuela Macz Seb de Pan, died at Loyola Hospital in Maywood, Illinois on May 12, 2020. The defendant’s father is a terminally ill patient at MacNeal Hospital in Berwyn, Illinois. The defendant now requests an emergency furlough to attend funeral services for her mother which will occur before the determination of her pending motion to revoke her detention order. Alternative to this narrow prayer for relief (temporary furlough), the defendant still maintains that she is entitled to revocation of her detention order as requested in her pending motion to revoke detention.

**II. THE DEFENDANT REQUESTS EMERGENCY FURLOUGH
TO ATTEND FUNERAL SERVICES FOR HER MOTHER**

Based upon information learned by the defendant and her counsel over the past weekend, the current briefing and hearing schedule on her motion to revoke detention would not allow her to attend the funeral services for her mother. Although her family has delayed the funeral in hopes that the Ms. Malinek will be granted permission to attend, she has recently learned that the mortuary services provider can no longer delay viewing and disposition of her mother's remains beyond the date of May 19, 2020. This means that a release from custody on or after May 22, 2020 (the date of the status hearing for the defendant's pending motion) would be too late for her to participate in the funeral services.

The US Code of Federal Regulations provides for a defendant to petition the Court for an emergency furlough in this precise situation. See 28 CFR §551.109(b). "In an emergency, staff shall facilitate contact with the pretrial inmate's attorney of record, who may seek from the court a decision concerning release from custody or an escorted trip." *Id.*

Although the defendant still maintains that she should be granted full pretrial release for the remaining pendency of her case, as stated in her previously-filed motion to revoke detention, she also requests a temporary furlough for the purpose of attending her mother's funeral. A temporary furlough or escorted trip would also be appropriate to allow her to visit her dying father, who is unlikely to survive until her previously-filed motion can be heard and decided by the Court.

WHEREFORE the defendant respectfully requests for this Honorable Court to enter an order granting an emergency furlough or escorted trip to attend her mother's funeral.

Respectfully Submitted,

S/Robert L. Rascia/May 18, 2020

ROBERT L. RASCIA, ARDC No. 6184470

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CERTIFICATE OF SERVICE

I, ROBERT RASCIA, deposes and states that, on this 18th day of May, 2020, I have served notice of the foregoing to Assistant United States Attorney Christopher Parente, via ELECTRONIC FILING.

s/Robert L. Rascia/May 18, 2020

ROBERT L. RASCIA, ARDC No. 6184470

Attorney for the Defendant

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